

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 21-120 (MJD)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	DEFENDANT'S POSITION ON
)	SENTENCING FACTORS
MICHAEL PAUL DAHLAGER,)	
)	
Defendant.)	

Of the various labels and adjectives that defendant Michael Dahlager's friends and family know apply to him—creative, generous, giving, libertarian, born-again Christian, compassionate, caring, costumer, production designer, makeup artist, mentor—the one they would find most baffling is felon. Michael has accepted responsibility and pleaded guilty to possessing “autosears,” small, home-made plastic pieces that could be used to convert an AR-style rifle into a fully automatic weapon. He is awaiting sentencing.

Mr. Dahlager never possessed a functioning machine gun. He had no intention of committing an act of violence against anyone. Although at one time he associated himself with the Boogaloo Bois, he did so before he fully understood their platform. Mr. Dahlager has never advocated civil war. He considers himself a pacifist and a patriot.

Mr. Dahlager is not a danger to anyone. Since his arrest, he has engaged in deep soul searching. He could not be more remorseful. The reality of this case is far different from what selected facts might suggest. A sentence of time served, with a

period of supervised release is the appropriate disposition of this case.

Facts

1. Personal

Michael Dahlager is 28 years old. He is the second youngest of four children. He has an older brother and sister and a younger brother. PSR ¶ 51. Mike's father manages Hirschfield Paint stores. His mother is an administrative assistant for a painting company.

Mike was home schooled from kindergarten through high school through a home school cooperative. *Id.* at ¶ 52. He received mostly As and Bs. He graduated in 2012 with a cumulative grade point average of 3.09.

After graduating from high school, Mike attended North Central University for two semesters. ¶ 53. In addition to completing 12 credits, he wrote articles for the student newspaper. He was forced to withdraw due to financial problems. He was also discouraged after he failed a speech class. ¶ 67.

Since childhood, Mike has had a series of serious health conditions, the lingering effects of which continue to plague him. In April 2008, Mike was hospitalized for Viral Enteritis/Gastritis and dehydration. Treatments were unsuccessful and the virus attacked his gallbladder, spleen, and liver, resulting in his rehospitalization. Eventually, he was diagnosed with cholestatic hepatitis, a viral infection not related to Hepatitis A, B, or C.

Later in 2008, Mike was diagnosed with Gilbert's disease, a genetic, liver disorder in which bilirubin levels are elevated due to stress or illness. The elevated

bilirubin levels can cause Mike to be jaundiced and fatigued.

In 2009, when Mike was 16, he developed calcification at his sacroiliac joints, where the base of the spine joins the pelvis. He had a difficult time sitting to do his schoolwork. He was diagnosed with Undifferentiated Spondyloarthropathy with bilateral sacroiliitis and decreased flexion lumbar spine, and specifically, Ankylosing Spondylitis. Ankylosing Spondylitis (“AS”) is an inflammatory autoimmune disease that can cause fusing of the spine and other joints over time, as a result of the body seeing itself as a foreign pathogen and attacking itself. This is a form of arthritis, and Mike continues to suffer from chronic back and joint pain. Mike was treated with aggressive physical therapy and daily injections of immunosuppressants, which he gave himself at home.

In 2011, Mike got what seemed to be a cold. From his AS treatments, Mike was immuno-compromised, and the disease quickly worsened. After three days, he was coughing up blood, and he passed out when he stood up. His parents rushed him to the emergency room, where he was diagnosed with critical pneumonia, sepsis, low blood pressure, and a high white blood cell count. His life was in danger, and he was admitted to the ICU. He remained hospitalized for fifteen days, during which time he had multiple procedures to drain fluid from his lungs and treat the pleurisy that had developed. He had surgery to scrape scar tissue from his lungs and remove pockets of infection. In the process a nerve was damaged, which continues to cause pain when Mike yawns, coughs, or breathes deeply. He had a lengthy recovery, but his lung capacity never returned to normal. Within the last

year, he was told by a doctor that he had the lungs of an old man.

Finally, Mike has always struggled with his weight and low BMI. He is 6' 5" tall and weighs 135 pounds.

Mike's health problems caused him to miss significant school time, and his academic progress was impeded.

In 2011, Mike met Mercedes Mathe. After dating for several years, they married in 2016. In 2017, they moved to St. Cloud when Mercedes got a job there. They have twin girls, Hadassah and Bonnie, who were born in February 2019. They are almost 3 years old. ¶ 54. Michael has been a loving and doting parent. Photos of Michael with his wife and children are submitted herewith under seal as Defense Exhibit 1.

Unfortunately, Mike has not had contact with Mercedes or his children since his arrest. Mike's arrest, which occurred together with a frightening FBI search of their home, was very upsetting to Mercedes. She moved for a restraining order against him on April 9, 2021, two days after his arrest. On October 9, 2021, she filed for divorce. She has now moved with their daughters to her family home in Oregon. ¶ 54.

Mike has been steadily employed since he was a teenager. Beginning in 2009, when he was 16, he began working part time at a Subway restaurant. ¶ 72. After graduating from high school, from 2012 to 2019, he worked at various Hirshfield paint stores. *Id.* In 2018, he worked as a children's ministry coordinator for the Harvest Fellowship Church. *Id.* Pastor Daniel Gordon, the Administrative Pastor of

the Church, has written a letter to the Court in support of Michael. *See* Def. Exh. 4 at 17. The Church website described Michael and his position as follows:

Mike is the Connection Kids Coordinator and works hard on building a solid foundation for Harvest's children. Mike oversees the teachers and volunteers who make CK happen as well as being deeply involved in the children's learning and fun. . . . Mike's vision is to see the Connection Kids grow and take their first steps in their discipleship abilities in following with Harvest's goals of making more mature disciples for Christ.

Mike spent 15 months in this position.

In 2019, Mike worked for Games by James, a retail store in St. Cloud. He lost that job because he had to take substantial time off to care for his wife and newborn twins, while his wife suffered from post-partum depression and other complications. In 2020, he found work as a painter to support his family. Beginning in February 2021 and continuing until his arrest, he worked for Cold Spring Brewing Company as an ingredient control technician. *Id.*

Other than three speeding tickets, Mike has no criminal record. ¶¶ 45-48. He does not abuse alcohol or drugs. ¶ 65.

2. Production Design and Costumes

Through the home school cooperative in high school, Michael developed a passion for theater. The cooperative staged a yearly play, through which Michael was exposed to various aspects of production, including set building, lighting, and acting. PSR ¶ 52. This continued while he was a student at North Central. He volunteered with a community theater company, where he taught acting and set design. ¶ 53

As an adult, Michael has continued to work in backstage production for films. He was the costume designer and makeup artist for “Dust and Ashes,” a short, dystopian film that was screened at the Minneapolis/St. Paul International Film Festival. More recently, Michael was nominated at the 2021 Z-Fest Film Festival for “Best Production Design” for a short science fiction film “Neurogeneis.” The defense will provide copies of the films to the Court and the government, as Defense Exhibit 3. The two films are approximately 20 minutes and 7 minutes in length.

In addition, Michael has been actively involved in developing costumes and role playing as fictional movie characters. He contributed his time to Costumers for a Cause, a non-profit organization that supplied characters in costume for children’s events and fundraisers. Mike developed costumes for Jack Sparrow (Pirates of the Caribbean), Darth Vader (Star Wars), Kilo Ren (Star Wars trilogy). Joker (Batman), Captain America, Spiderman, and Indiana Jones. He appeared in costume at parades—including at the Minnesota State Fair, the Mall of America, Minnesota Children’s Hospital Kids’ Clubhouse, movie theaters, and many other venues. Even now, Mike continues to receive requests to appear at paid and volunteer events depicting his signature characters.

Photographs of Mike in character at various events are submitted as Defense Exhibit 2.

3. Offense Conduct

In March 2020, Mike bought an AR-style rifle. Mike grew up in a family that believed in legal and responsible gun ownership. *See* Def. Exh. 4 at 5 (Letter from

Roger Dahlager, Mike's father). Mike and his family have enjoyed hunting and target shooting as hobbies, as well as collecting guns. *Id.* Mike completed gun safety training when he was a young man. *Id.* In early 2020, Roger Dahlager built an AR from a kit he had purchased. Mike and his brother were looking for a good deal to purchase ARs around the same time. All three obtained their AR rifles in the spring of 2020.

Mike had no violent intent when he purchased his rifle. He had strong views about the Second Amendment and believed in his freedom to own it. He wanted to purchase the weapon before the presidential election because he feared that, depending on who was elected, AR rifles might become illegal.

At around the same time, Mike began to acquire tactical gear. He already owned military equipment because he played AirSoft, a military simulation game in which players use guns that discharge harmless plastic pellets. His military outfit was one more costume, like Jack Sparrow or Indiana Jones.

Mike's younger brother, Matthew, is in the United States Army. In December 2019, Matthew was home with the family for Christmas. Mike perused his brother's tactical gear and then tried to acquire similar gear for himself. Given the political divisiveness that had riven the country in 2020, Mike was concerned about the need to protect his family in the event of civil unrest. These concerns were heightened after the murder of George Floyd in May 2020, and the demonstrations that followed, some of which devolved into violence and property destruction.

Mike was already active in a tactical gear group on Facebook through his

AirSoft activities. He began to supplement his collection by buying additional equipment including a tactical vest, a tactical radio and headset, flex cuffs, a duty belt, gun scopes, and other equipment. He also had several firearms and ammunition. Because Mike was not a felon, all of these items, including the firearms, were completely legal.

These purchases were purely for self-defense and the defense of his family. In addition, as Mike explained to the FBI following his arrest, he “got caught up in the research and the freedom and the wanting to chase that.” FBI Interview at 5:50:35. Finally, the purchases made Mike feel closer to his brother, who he envied for his military service. At one point, Mike had been interested in joining the military, but his health made that impossible.

In April 2020, Mike saw an item for sale on the Facebook site described as a bottle opener. Mike considered it to be a “novelty item,” although he knew the item was a drop-in autosear, intended to make a semi-automatic rifle fully automatic. On an impulse, he bought 10 for \$30. He did so out of curiosity and because he thought it would be cool. The autosears were made of plastic. They were home-made on a 3-D printer. A photograph depicting six of the autosears that Mike purchased is shown on the next page.

The devices, some of which were examined by the ATF, are described by that agency as “additive manufacturing (3D printed) material that has been formed into an improvised *Trigger Control Group Travel Reducer (TCGTR)*.” ATF Report (March 12, 2021) at 2 (emphasis in original). According to the Report, the device “is

not a traditional TCGTR, but it is the same basic design principle.” *Id.*



The device is designed to be installed within the trigger mechanism of an AR-15 in such a way that it prevents the trigger from returning to its original position after firing, allowing the weapon to fire repeatedly with a single pull of the trigger. Because these \$3 pieces of plastic are “designed and intended solely and exclusively for use in converting a weapon into a machinegun,” 26 U.S.C. § 5845(b), they are treated as machine guns under the law.

Mike had no idea how to install the autosears he received. He was never successful in doing so, and he never fired an automatic weapon using these devices. He could not even get the trigger mechanism to close after attempting to install the plastic piece.

In all likelihood, that would have been the end of this offense were it not for the Facebook algorithm, which, based on Michael’s evident interest in firearms and the Second Amendment, began to show him posts and memes from the Boogaloo

Bois.

The Boogaloo Movement is a decentralized ideological network that believes that a second U.S. civil war, the “boogaloo,” is coming. *See* J. Thompson, “Examining Extremism: The Boogaloo Movement,” (Center for Strategic and International Studies, June 30, 2021), available at <https://www.csis.org/blogs/examining-extremism/examining-extremism-boogaloo-movement>. Adherents endorse a range of views. Although some racists consider themselves part of the movement, [w]hite supremacy “is not a core part of Boogaloo ideology.” *Id.* Thus, for example, “[s]ome Boogaloo adherents find common cause with Black Lives Matter (BLM) protesters due to a shared antipathy toward police brutality and state violence, while other Boogaloo adherents directly reject racism outright.”

This alliance is furthered by the fact that some Boogaloo adherents have been killed in police violence. Duncan Lemp, for example, was killed by police during the execution of a search warrant. Boogaloo social media sites list his name together with those of Black Americans killed by police, such as Breonna Taylor. In addition, “Members of Boogaloo Facebook groups have regularly shared anti-racist and pro-BLM content.” *Id.*

The movement is highly decentralized and nonhierarchical. There is no clear leadership structure. Although local chapters or cells may form on Facebook, there is no overarching national organization coordinating activities or beliefs. *Id.* As a result, adherents have a range of views, which are “difficult to classify on a

traditional political spectrum.” *Id.*

Mike became interested in the group after seeing humorous memes on Facebook. Following algorithmic breadcrumbs down a rabbit hole, he found his way to a local Facebook group of adherents. They called themselves the Northstar Liberty Network. The participants shared his strong views in support of the Second Amendment. He believed in their view that citizens need to stand up for liberty and against tyranny. From news feeds, he saw self-proclaimed members of the group standing with protesters against the police at the demonstrations following the murder of George Floyd. Although Mike did not participate in those protests, he was concerned about the injustice of police killing African Americans and suppressing communities of color.

In November 2020, Mike invited several members of the group to his home. They had a fire in the backyard and grilled steaks and made s’mores. At that gathering, at which his wife and children were present, Mike met an individual who, unbeknownst to him, was working as a paid Confidential Human Source (CHS) for the FBI. The CHS presented himself as a fellow member of the Boogaloo Bois. He shared Mike’s Libertarian political beliefs. He was down to earth and smart. Like Mike, he had a wife and kids. He sympathized with Mike’s marital problems. Mike liked him and trusted him. He believed they were friends, and he saw him as a mentor.

A nationally organized series of simultaneous rallies in support of the Second Amendment had been planned for January 17, 2021, at state capitals across the

country. The rallies were promoted on social media sites nationally. Mike and his friends planned to attend the rally at the Minnesota State capital. They saw themselves as a security force, protecting the demonstrators from the police and ensuring calm. To be prepared, they decided to attend a “Stop the Steal” rally at the Capital on December 12, 2020. They wanted to see where law enforcement was stationed and which streets were blocked, so they could plan escape routes should the January rally turn violent. Mike told others at the event that they “were doing a bit of recon today for the 17th. . . We’re planning to defend the January 17th protest.” PSR ¶ 9. Mike had no intention of inciting violence. His goal was to prevent it. Ultimately, the group decided not to attend the rally on January 17th.

Mike met with the CHS a total of five or six times. The CHS secretly recorded some of those meetings. Mike trusted him, and he showed him his weapons and tactical gear, including the autosears. During those meetings, Mike made several inflammatory statements about killing the police. Never once did he attempt to act on these statements or be aggressive or violent toward anyone. As is discussed in more detail below, Mike was simply showing off and trying to fit in with this group, who he believed had befriended him. The CHS reported these encounters to the FBI and was paid for his information.

In addition, the CHS asked Michael for one of the autosears he had shown him. Michael gave him two, for free. After all, he had only paid \$30 for them, and he was not doing anything with them.

The FBI arrested Mike on April 7, 2021. By that time, he had already taken

steps to remove the weapons and gear from his home at his wife's request, who had become uncomfortable with them in their house. Immediately following his arrest, Michael accepted responsibility for his offense conduct. In addition, he explained that he had repeatedly lied and hyperbolized to the CHS in an effort to impress him. He said he had lied to the CHS because "I wanted to seem cool." *See* PSR ¶ 27.

For example, he told the CHS he had port holes around his house that he could shoot through if confronted by the police. ¶ 8. He admitted to the FBI he had made no modifications to his house. He was just "bullshitting," he said. In a search of his house following his arrest, the FBI confirmed there were no port holes in his house. Mike told the CHS he had fired his AR using the autosears. He admitted to the FBI that was another lie. ¶ 27. He could not even install the autosears and never tried to fire his weapon as a fully automatic.

With respect to his statements espousing violence, Michael described himself as a born-again Christian and said, "I would never seek to hurt someone purposefully." When confronted about statements he had made about killing law enforcement, he said,

It feels terrible. . . . I was not being serious. I would never, ever seek that out, ever in my life. . . It was a really stupid thing to say. I was not considering suicide. I was not considering hunting police officers or suicide by cop.

PSR ¶ 27. Michael stated he could understand the FBI's concern about his statements. He said that if he made the statement that he had a propensity for violence, "it's not true. It would have been me talking myself up. It's something I do, man. I try to impress people because I feel inadequate in my own life. I try to belong

to stuff.” *Id.* Far from being violent, Michael insisted, “I would never seek to hurt someone purposefully. I’m not that kind of person. That’s what I believe about myself.” *Id.*

Michael explained that the sole purpose for the surveillance conducted at the capital on December 12, 2020 was to ensure safety for the rally planned for January 17. “We did not want to fight,” he said. “You want to be as prepared as possible.” “A camera is a better weapon when it comes to use of force,” he stated. Had a law enforcement shooting occurred on the 17th, Michael said his reaction would have been to “cover and escape.” “I have kids, he explained. “That’s always my goal. My kids are my top priority.” ¶ 27.

Finally, when asked if he knew anyone else with autosears or suppressors, he answered, “No . . . nobody was as dumb as me.”

4. Political Views

Michael Dahlager is not a political extremist. He is not a zealot, a radical, or a vigilante. He is not a revolutionary, and he does not hate the United States of America. He sees himself as a Libertarian, a political philosophy he shared with his wife. PSR ¶ 56.

Michael felt an affinity for the Boogaloo Bois because of their strong support of the Second Amendment and individual liberty. He sympathized with their antipathy for law enforcement, particularly following a number of highly controversial and tragic police shootings.

But Michael is not anti-American. He considers himself a patriot. He comes from a military family. In his mother LouAnn's words, "We are a family that loves its country, considers it an honor to serve and protect it, and has experienced the hardships that come with military life and the ultimate sacrifice paid." Def. Exh. 4 at 1. LouAnn had three brothers, Michael's uncles, who served in the Army in Korea and Vietnam. Two are disabled vets, and the third, Jerry, was killed in action in Vietnam. The family still has his medals and documents, and Michael has his dress uniform, a cherished possession. *Id.*

According to LouAnn, "this heritage is part of the fabric of our family identity—it has laid its heavy hand on us, in proud and hard ways." *Id.* at 2. Continuing this rich tradition, Mike's brother Matthew is in the Army as were several of his cousins. Matthew served in Afghanistan, and Mike has a flag that flew over the base there, preserved in a glass case.

Mike considered military service himself, discussing enlisting with an Army National Guard recruiter. But the recruiter and his family convinced him that his medical issues would make him ineligible to serve. As LouAnn explains, "Michael's passions were in creative fields, and he was not well-equipped to shoulder the rigors of the military. Still, he was torn, because he too, was patriotic and did have a hero's heart to serve." *Id.*

Michael Dahlager has always loved his country. He believes in the American Dream, in particular the idea that there should be a level playing field for everyone, regardless of race or station in life. It was those ideals Mike thought he was

pursuing during his brief foray with the Boogaloo Bois.

Not one person who knows Mike views him as a radical or expresses concern that he is violent or dangerous. His brother Philip sees him as someone who “wanted to protect weaker individuals whose rights could be endangered.” PSR ¶

57. His father Roger pointed to the

political climate of the last year elevated to an unnatural level, which left the defendant concerned that some of his rights could be taken away. He indicated the number of social media, news, and other sources filled with misinformation was overwhelming. He believes that constant stream of information influenced the defendant’s involvement with the instant offense. . . . Mr. Dahlager stated the defendant found some Boogaloo-related memes on Facebook, which sparked his interest into the group and led to the algorithm giving him more of the same information.

¶ 58.

Finally, his younger brother Matthew writes:

Mike is driven by a love for his country and a desire to serve in some capacity, often telling me that he wished he had been physically capable of military service.

Def. Ex. 4 at 7. Matthew notes that his deployment to Afghanistan was difficult for Mike because “he deeply desired to be of service to his country and did not know how to properly address the issues that he saw. . . .” *Id.* Nonetheless, Matthew states that Mike’s desire to promote positive change in his community remains:

He has dedicated himself to be the best father and husband that he can to heal the damage that his decisions have caused while not ignoring the pain that those decisions brought to others. Michael has not given up his desire to be the best citizen that he can be and has sought counsel *on how to properly make his voice heard through his governmental representatives* and desires to make his community a

better place to raise his family.

Id. at 8 (emphasis added).

Even before his arrest, Mike had begun to distance himself from the Boogaloo movement. He became increasingly aware of the violent rhetoric of some adherents. It bothered him that news sources described them as terrorists. He had not been aware of their interest in civil war when he became involved in the movement.

In particular, Mike did not want to be associated with racists. Mike's interest was in uniting communities, regardless of race. While in college, he wrote an article for the student newspaper underscoring the importance of diversity on campus. *See* Def. Ex. 7. He married a Latina. And following the murder of George Floyd, he attended a memorial in his honor in St. Cloud. He prepared a large Black Lives Matter sign which he displayed at the event. He attended the event despite his wife's attempt to dissuade him from doing so. PSR ¶ 56.

Michael is not a conspiracy theorist. Unlike many of the correctional staff who work at the Sherburne County Jail, Michael is anxious to obtain the Covid vaccine as soon as it is available to him.

5. Mental Health

At the time of this offense, Mike was struggling emotionally, financially, and socially. After the birth of his twin girls, his wife Mercedes struggled with post-partum depression and other health issues. Mike took time off work to care for his wife and children, causing him to lose his job. He went through a series of jobs from 2019 until his arrest, PSR ¶¶ 71-72, and he struggled to support his young family.

See Def. Ex. 4 at 2. He became overwhelmed, anxious, and depressed. His relationship with Mercedes suffered, and they attempted marital counseling. In addition, Mike began individual therapy through Nystrom and Associates. PSR ¶ 61.

All of this was going on during the pandemic which isolated Mike from his family and friends. As his mother describes, “The combination of conspiracy theories, the political climate, public unrest surrounding the death of George Floyd, and the isolation of the pandemic had an obvious impact on Michael, altering his state of mind.” Defense Exh. 4 at 2.

It was in this context that Mike found himself drawn to the Boogaloo Bois, who he believed at the time were fighting for a more equitable and just country. Just as importantly, he believed they had befriended him, particularly the CHS who Mike viewed as a mentor.

At the request of the defense, Dr. Ernest Boswell completed a psychological evaluation of Mike. His report is provided to the Court under seal as Defense Exhibit 5. Dr. Boswell’s curriculum vitae is attached as Exhibit 6.

Dr. Boswell opines that Mr. Dahlager meets the criteria for Unspecified Anxiety Disorder and Generalized Personality Disorder (with borderline and histrionic features). Ex. 5 at 18. He states that there is no credible evidence of “obsessive-compulsive symptoms, significant anger or aggression related disorders or antisocial personality disorder.” *Id.* at 17. Dr. Boswell explains that Dahlager

obtained low scores on a number of scales assessing such traits as antisocial personality disorder, aggressive attitude, verbal aggression,

and physical aggression. Thus, a simple antisocial personality hypothesis does not offer a credible explanation of his actions.

Id. at 19.

The more plausible explanation for Mr. Dahlager's conduct, Dr. Boswell explains, is that

Mr. Dahlager is positive for significant anxiety that results in social discomfort. He attempts to control the anxiety by fitting into whatever social group he is associated with. Second, the general personality disorder with borderline and histrionic features facilitates a style of interacting with groups that consists of exaggerated statements to impress others and fit into the overall group structure.

Id. at 19.

Dr. Boswell opines that

Mr. Dahlager's anxiety and personality style resulted in him making a series of hyperbolic statements in order to impress individuals he was associating with and gain self-importance within the group. In some cases, the statements were factually false and made to impress others, such as claiming he had gun ports around his house, or he was driving a Corvette automobile. Other statements contained comments that served to elevate his group standing such as rhetoric about operational planning and which targets to take out first.

Id.

Dr. Boswell concludes that Mike Dahlager

has achieved significant insight into the liabilities and problems associated with his former peer associates. In particular, Mr. Dahlager now understands that in order for him to live a life dedicated to peaceful co-existence he needs to renounce his former association with political extremist organizations and work towards meaningful interactions with individuals across all political views.

Id. at 20. According to Dr. Boswell, Mr. Dahlager's insights into his offense conduct constitute "protective factors tending to mitigate the risks associated with political extremism and related violence." *Id.*

6. Post-Offense Rehabilitation and Acceptance of Responsibility

Michael has used his arrest as an opportunity for soul searching and profound remorse. He has been open with his family and friends about his mistakes and has committed himself to a new path.

While in custody, Mike has continued his mental health treatment over the telephone. He has reached out to several church pastors for spiritual counsel. Two of those pastors have written letters of support to the Court. For example, Pastor Jason Peterson writes of his regular telephone conversations with Mike:

I have seen and heard a young man who is truly repentant and contrite, who recognizes the gravity of his actions and genuinely wants to bring light and hope to those around him and in his future. I've witnessed a man whose heart breaks over the hurt he's caused in his marriage and who wants to bring healing and restoration to his family.

Def. Exh. 4 at 16.

Mike's family and friends have similarly noted his sincere remorse and acceptance of responsibility. Kirby Lundy, Mike's cousin, describes his conversations with Mike as follows:

Since his arrest, I have spoken with Mike multiple times. His attitude is that of humility. When we first spoke, he took full responsibility for his illegal actions and the effects they have had on his wife, two children, and the rest of his family and friends. Because of my prior relationship with Mike, his lack of any additional criminal record, and my confidence in his character prior to this event, I fully believe his remorse is sincere. I am also confident that Michael is committed to his own rehabilitation.

Id. at 18.

Mike's sister-in-law, Breanna, had similar observations, stating,

When Michael was arrested, he immediately took responsibility for his

actions and had great remorse. He personally called Matthew and I to apologize for what he did and was very ashamed. . . . I have spoken with Michael many times since his arrest, and can see how he is working on turning his life around.

Id. at 12.

After Mike was arrested, he asked his parents to send him a Bible, a devotional book, and a hymnal. The devotional, entitled “Exiles: A Prisoner’s Daily Devotional,” was written by inmates for inmates. He began to read it in the common area of his unit. Soon, another inmate asked Mike to read the day’s passage aloud. He did so, and the two prayed together. The group grew from there. Now, there are ten or more inmates in the group, of multiple faiths and races, who meet daily. They read the Bible verse of the day and the devotional message that can be either encouraging or challenging and is applicable to the prison setting. Then they share their own struggles and hopes, and they pray. *See* Def. Ex. 4 at 3.

As many inmates in the group have asked Mike for their own copies of the devotional, Mike’s parents have now sent 30 copies to the jail. Some of the inmates who participate in the group sent a letter to Mike’s parents thanking them for their generosity and letting them know how important the prayer group has been to them. The letter is attached as Defense Exhibit 8. They state:

We are more than happy to tell you that the daily devotional group your son leads with the books you have provided consists of men from different races and religions, self reflecting and growing as believers and brothers and friends.

Def. Ex. 8. The letter is signed by thirteen inmates.

Mike has strived to make productive use of his time while in custody. In

addition to the prayer group he facilitates, he has used the Edovo on-line education software available to inmates to complete 73 courses. He has spent a total of 196 hours in educational programming. *See* Def. Ex. 9. One of the courses he completed, over 51 hours, was a class examining the roots and long-term harms of the term “superpredator,” a label that “Demonized a Generation of Black Youth.” *Id.*

Reflecting his excellent institutional adjustment, Mike was recently approved to be a pod worker in the jail.

DISCUSSION

This is not a case about the Boogaloo Bois. Mr. Dahlager pleaded guilty to possessing \$30 worth of home-made plastic pieces which fit the technical definition of a machine gun, in violation of 18 U.S.C. § 922(o). He purchased these items in April 2020, long before he had even heard of the Boogaloo Bois.

Several months later, thanks to the Facebook algorithm, he met several self-proclaimed Boogaloo Bois. Doing his best to fit in and trying to make himself seem like someone he is not, Mike made hyperbolic and grandiose statements. Those statements have no connection whatsoever with the offense of conviction. The government has combined these two separate episodes to unfairly paint Mike as some kind of terrorist.

There is no evidence to support this view. Mike’s entire life has been one marked by kindness and generosity. While his statements are troubling if viewed with no context, there is no evidence that Mike intended to commit an act of violence. He never had an operable machine gun. He is not a danger to the

community. He has no criminal record and has not acted violently toward anyone. He has taken extraordinary steps toward his own rehabilitation and acceptance of responsibility. Although he fell in with the wrong group, his purpose was pure—to work to promote a fair and just society for all.

Mr. Dahlager has been in custody since April 7, 2021. By the time of sentencing, he will have served over 7 months in jail. The defense respectfully asks the Court to sentence him to time served, followed by a period of supervised release.

I. A Downward Variance to Time Served Is Appropriate to Ensure a Sentence that Properly Reflects the Purposes of Sentencing

As the parties agree, the applicable guideline range is 18-24 months (Off. Level 15, CHC D). A modest downward variance to time served is sufficient, but not greater than necessary, to achieve the purposes of sentencing. Among the factors warranting a downward variance are the following:

A. The Guidelines Overstate the Seriousness of Dahlager’s Offense Conduct

Mr. Dahlager is subject to a base offense level of 18 because the offense “involved a firearm described in 26 U.S.C. § 5845(a).” U.S.S.G. § 2K2.1(a)(5). Thus, he faces the same guideline range that would apply if he had had a sawed-off shotgun, a fully functioning machine gun, a bomb, a rocket, a missile, a grenade, or a mine. *See* 26 U.S.C. § 5845(f) (defining destructive device). But Mr. Dahlager had none of these things. He had ten small pieces of plastic that he purchased online for \$30. He was never able to install these pieces into his rifle. He had no idea how to do so. He never had a functioning machine gun. And the weapons that he did

possess were completely legal.

When he purchased these plastic devices, months before he had ever stumbled across the Boogaloo Bois, he had no intent to use them for any violent end. He saw an ad pop up on Facebook. He was motivated only by curiosity. He gave two to the CHS because he wanted to impress him and seem cool.

Mr. Dahlager should not be equated, for purposes of the Sentencing Guidelines, with someone who has assembled a bomb in his basement or who has sawed off the barrel of a shotgun to an illegal length. Yet, that is exactly what the applicable guidelines do.¹

A downward variance is warranted because the applicable guidelines envision a far more serious and dangerous offense than this one.

B. The Offense Was a Single Act of Aberrant Conduct

Second, a variance is warranted to reflect that Mr. Dahlager's offense was a single act of aberrant conduct. He has no previous record. He has never committed an act of violence. He committed the offense during a pandemic when he was isolated from his family and friends and struggling emotionally and financially with

¹ The PSR suggests the offense was *more* serious than the guidelines suggest. *See* PSR at ¶ 93. The government has rejected this position. *See* Plea Agreement at ¶ 6g. This Court should similarly reject the PSR's suggestion because it is based on speculation and conjecture. Mr. Dahlager did not "target[] law enforcement." He conducted peaceful surveillance at the state capital to ensure safety and an escape routes in the event that other people, including law enforcement, were violent at a later rally. Similarly, there is no evidence Dahlager committed the offense "in order to facilitate or conceal the commission of another offense." Finally, to impose an upward departure because Dahlager "engaged with the Boogaloo Bois" would be unconstitutional. Mr. Dahlager's brief engagement with the Boogaloo Bois was peaceful and legal, and thus protected by the First Amendment.

a new family following the birth of his twins. He did not set out to create a machine gun. An ad popped up and acting impulsively, he clicked. This offense was catalyzed by a mix of curiosity, a sense of anonymity afforded by the internet, and a small individual protest in support of the Second Amendment. Mike saw this purchase as a harmless novelty, a mistake he greatly regrets.

C. Dahlager Was Influenced by a Government Agent

Mr. Dahlager has been completely clear that he alone is responsible for his offense conduct. Nonetheless, in considering an appropriate sentence, it is important to consider the extent to which the CHS, acting as a government agent, contributed to Dahlager's inflammatory statements.

The CHS exerted tremendous influence over Mike. Whether true or not, the CHS presented himself as a kindred spirit. He claimed to be married with children, like Mike. He told him he had been in the military, like many members of Mike's family. They shared a similar political philosophy—Libertarianism. Mike saw the CHS as intelligent and grounded. He respected his opinions and viewed him as a mentor.

As such, the CHS could sway Mike's views. Had he expressed alarm at Mike's inflammatory remarks, he could have ended them. Had he expressed an interest in theater or Christianity, instead of demonstrations and weapons, Mike would have shared his costume creations or told him about his work as a youth ministry leader with his church. In short, in his position as trusted friend and advisor, the CHS could have been instrumental in nipping Mike's hyperbolic statements in the bud.

But there was no money to be made in discouraging extremist statements. The FBI paid the CHS when he encouraged those views and then reported them back to the FBI. The CHS was not simply a neutral listening post. He was an active participant in all of Mike's activities.

As is discussed below, Mike made statements in an attempt to fit in with people whom he believed had befriended him. Many of his statements were directly at odds with his own values. Had he not received a receptive audience from the CHS, he would not have made those statements.

D. Dahlager's Inflammatory Statements Were a Product of His Social Anxiety and Do Not Reflect His Attitudes or Values

There is no dispute that other than possessing the autosears and a silencer, nothing that Mr. Dahlager did was illegal. He had a First Amendment right to attend a rally at the Capital. His possession of firearms was legal. And the First Amendment even protected the inflammatory statements he made.

Properly understood, Mike's statements do not reflect his beliefs or propensity for violence. As Dr. Boswell opined, based on psychological testing, there is no credible evidence that Mike "is positive for any type of psychosis, significant depression, bipolar issues, substance related problems, obsessive-compulsive symptoms, significant anger or aggression related disorders or antisocial personality disorder." *See* Def. Ex. 5 at 17. According to Dr. Boswell, Dahlager's "anger and temper is within normal range of the general population and well-controlled." *Id.* at 17.

Dr. Boswell rejected the suggestion that Mr. Dahlager "is an inherently

violent individual with significant antisocial characteristics.” *Id.* at 19. Instead, he suffers from chronic anxiety, which is heightened in social settings. *Id.* at 17. Dr. Boswell opined that “Mr. Dahlager’s anxiety and personality style resulted in him making a series of hyperbolic statements in order to impress individuals he was associating with and gain self-importance within the group.” *Id.* at 19. Some of these statements were outright lies, such as the claim to have portholes installed in his house. Others “served to elevate his group standing.” *Id.* According to Dr. Boswell, at the time of this offense, Mike had become concerned about police shootings of unarmed civilians and possible efforts to undermine the Second Amendment.

He felt abandoned and disillusioned and sought acceptance by way of association with more politically strident groups. In turn his association with these individuals ultimately distorted his view of events to the point his path became a slippery slope where each comment or statement required more hyperbolic verbiage. This process resulted in Mr. Dahlager making statements that belied his underlying principles, values, and beliefs. In the end he became a victim of his own distorted perspective and was unable to escape the paradox he had helped create.

Id. at 19-20.

According to Dr. Boswell, Mr. Dahlager is amenable to psychological counseling and is an excellent candidate for intensive interpersonal therapy.

Mike believed he had found a group of people who shared his views and, like him, wanted to work for a more equitable society in which the American Dream could be shared by everyone, regardless of race. He saw them as his friends, particularly the CHS. And he tried to fit in, making statements that he did not

believe, so as to increase his standing in the group.

E. Mr. Dahlager Has Shown Extraordinary Acceptance of Responsibility and Remorse

As noted above, in his conversations with his family and friends, Mr. Dahlager has demonstrated sincere and deep acceptance of responsibility and remorse. He has not tried to cast blame on anyone but himself. He has said that he was lucky to be arrested because it has allowed him to re-evaluate his own values and beliefs, and to correct his course to live true to those beliefs.

In the prayer group that Mike started at the Sherburne County Jail, the men sometimes give themselves homework. One of the assignments was for each man to write down who he wants to be when he gets out of jail and to begin working on those attributes now. Mike prepared lists of what he wants to do and who he wants to be upon release. They are attached as Defense Exhibit 10.

Among the attributes that Mike seeks to embody are: “A man of God, led by the Holy Spirit;” wise, honest, peaceful, stable, supportive, creative, and finally, “To be okay.” *Id.*

Among the things he wants to do are to join a ministry at church, rebuild neglected relationships, rebuild his reputation, and further his higher education.

The soul-searching Mike has done since his arrest reflects his true desire to get his life back on track. Mike did not simply plead guilty. He has truly examined the things that are important to him and reflected on how his actions hurt the people he loves. His honest introspection should give the Court comfort that he will never find himself before the Court again.

E. Mr. Dahlager Has a Strong Support Network Who Will Hold Him Accountable

The people who know Mike best, his family, friends, and pastors, know that he is far more than the worst thing he ever did. Josh Cisewski, a friend from childhood, describes Mike as “a soft-hearted person who, while outspoken and passionate, I don't believe has it in him to physically hurt anyone.” Def. Ex. 4 at 15.

“Mike has and always will be one of my best friends,” Mr. Cisewski states,

and my desire is to support him and help him learn from his mistakes so he can get back to the Mike that I have always known, or perhaps something greater than that: a new Mike that is aware of his mistakes and able to get the help that he needs to live a better life.

Id.

Alli Dahlager is Michael's older sister. She states that since her brother's arrest,

I feel closer to Michael than I have in several years. He is open in a way he hasn't been in the recent past. He is painfully aware of how wrong he was, and the regret and shame live with him every day. I have been moved to see how repentance and surrender can change a heart. It is as though blinders are being removed, and he is seeing clearly how his priorities and loyalties were misplaced and how his actions damaged those around him. He now welcomes correction and dialog to help him grow and find clarity.

Id. at 10.

His mother, LouAnn, describes how

Michael's arrest seemed to jolt him back to reality, waking him up to the seriousness of his actions and associations. He has expressed remorse and sadness over his actions and has stated that he accepts full responsibility for his harmful and illegal actions and their consequences on his family. He continues this attitude as he confesses and apologizes to others when he remembers ways he wronged or offended them.

Def. Ex. 4 at 3.

Paul Lundy, Mike's uncle, describes a phone call he had with Mike since his arrest. Paul was struck that Mike did not dwell on his own difficulties. Instead, "[h]e soon shared with me the struggle of his fellow inmates—who lack hope as their own stories have brought them behind bars. He was genuinely concerned with the well-being of others around him and was not just thinking about himself."

Def. Exh. 4 at 21.

Mike's parents have stated that Mike can live with them upon his release.

His father Roger states that

I have and will continue to support Michael in his return to us and his commitment to be a productive member of society. Should Michael live with us when he is released until he is ready to reestablish his independence, there will be no guns in our home. Michael's healing and rehabilitation are our family's priority.

Def. Exh. 4 at 5. In addition, he writes that three painting contractors have offered Mike a job as soon as he is available. *Id.* See PSR at ¶¶ 58, 72. Similarly, LouAnn states that their home is open to Mike when he is released, and that she and the rest of the family will provide "support and accountability in a gun-free environment." *Id.* at 3.

Pastor Peterson has asked Mike to help his church "to design and build set pieces and wall art for our new community center. His experience in creative arts, marketing, set design and theatre will allow him to be involved in our faith community in really meaningful and healthy ways." *Id.* at 16.

Conclusion

Michael Dahlager made a mistake. He possessed home-made pieces of plastic which could be used to convert a semi-automatic to fully automatic. He was curious, nothing more. He had no intention of committing an act of violence. Until the last year, he had led a blameless life. He has no criminal record and has never been violent. He made hyperbolic statements in an effort to fit in with a group whom he believed had befriended him. Since his arrest, he has done everything he can to make amends and to truly reflect on his offense conduct. To sentence him now to a lengthy period in prison will only impede the progress he has made in his own rehabilitation. The people who know him best know that he is not dangerous or violent. They have committed themselves to Mike's continued rehabilitation.

For the foregoing reasons, we ask the Court to impose a sentence of time served followed by a term of supervised release.

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Respectfully submitted,

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